United Nations CCPR/C/SR.3244

International Covenant on Civil and Political Rights

Distr.: General
22 March 2016

Original: English

Human Rights Committee
116th session

Summary record of the 3244th meeting
Held at the Palais Wilson, Geneva, on Monday, 14 March 2016, at 3 p.m.

Chair: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of New Zealand

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-04122 (E) 220316 220316

1604122

Please recycle

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of New Zealand (CCPR/C/NZL/6; CCPR/C/NZL/QPR/6)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Ms. Adams** (New Zealand), introducing the sixth periodic report of New Zealand (CCPR/C/NZL/6), said that New Zealand had a strong track record in human rights and that the principle of equality for all under the law formed the bedrock of the justice system. New Zealand was among the highest ranked countries for low corruption and open transparency.

3. Nevertheless, a number of human rights challenges remained to be addressed and New Zealand had a role to play in keeping human rights at the forefront of the international community's actions and helping other countries in that regard. As part of her Government's drive to improve and refine human rights protection in the country, it was considering ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocols to the Convention on the Rights of the Child and to the Convention on the Rights of Persons with Disabilities.

4. The Government had no plans to review the Bill of Rights Act, although recent developments such as the changes made to the Standing Orders of Parliament had enhanced mechanisms for ensuring compliance with the Act. The Human Rights Commission had launched the second National Plan of Action for Human Rights, in the form of an online tool that was continuously updated.

5. An independent review of the State's intelligence and security agencies had been completed in February 2016: the resulting report referred to the need to protect national security while also protecting individual rights, such as the right to privacy. The Government was committed to further reducing the already small gender pay gap and had established a joint working group to provide practical guidance on the issue. The number of women in senior positions in the public sector now stood at 44 per cent, and the State was on track to achieve its goal of 50 per cent representation by 2021.

6. Thanks to a number of initiatives to improve education and employment outcomes for Maori and Pasifika, the number of Maori students with tertiary education qualifications had increased to 27 per cent, while participation rates in early childhood education were now 94 per cent for Maori and 91 per cent for Pasifika.

7. The police had acknowledged deficiencies in the "Roast Busters" investigation and had accepted the recommended remedial actions to prevent similar situations in the future. The District Commander of the police had made a public apology for the failings in the case. Significant progress had been made in reducing reoffending, and crime rates had fallen considerably in recent years, particularly among young people.

8. New Zealand recognized its abhorrent child abuse statistics and had set targets for reducing assaults on children by 2017. The Children's Action Plan established inter-agency cooperation and legislation to better protect vulnerable children. The State had a zero tolerance policy on underage and forced marriage.

9. The Marine and Coastal Area (Takutai Moana) Act of 2011 removed the foreshore and seabed from Crown ownership and recognized the inherited rights of Maori. The Government had also taken a number of measures that were in line with the recommendations made in the 2011 Waitangi Tribunal report. Local councils were developing new ways to engage Maori communities in decision-making processes.

10. Her Government acknowledged the high rate of family violence in the country, which disproportionately affected Maori and Pasifika families. Preventing and reducing the impact of family violence was a key issue for the Government and was her top priority as Justice Minister. The Ministerial Group on Family Violence and Sexual Violence had spearheaded a cross-government family violence work programme; initiatives included in the refocused version of the programme included the establishment of a national home safety service to support victims and the appointment of a chief victims adviser to the Government. Judges had been given improved access to information in family violence cases, and a new scheme made it easier for the police to disclose a person's violent criminal past to a concerned partner. The Law Commission had issued a report on alternative pretrial and trial processes for sexual violence and another on whether there should be an offence of non-fatal strangulation. A review of family violence laws was currently under way, and the Government planned to introduce a bill into Parliament by the end of 2016. In 2015, the Government had passed the Harmful Digital Communications Act, which simplified the process for removing harmful communications from the Internet quickly and effectively.

11. To address the disproportionately high rates of Maori in the criminal justice system, the Government had developed targeted programmes, which were carried out in collaboration with Maori service providers and communities. "Turning of the Tide" was a visionary strategy developed by Maori communities and the police. Rangatahi Courts were informed by Maori values and helped to reduce reoffending among Maori youth by making justice processes more meaningful for young people and their families. The Ministry of Justice had funded seven local crime prevention initiatives for Maori communities, while the Gang Action Plan followed a collaborative, multi-agency approach to deal with the harms caused by gangs.

12. The Privacy Act sought to strike a balance between privacy protection and other values by restricting the sharing of information about individuals except under specific circumstances. The Government had become aware, however, that the development of a risk-averse culture and the related fear of breaching the right to privacy was inhibiting the sharing of personal information among government agencies, including the police. In an effort to find the right balance between competing rights, there was currently a debate in New Zealand on the intersection between individual freedom and the public's right to be safe.

13. New Zealand had agreed to resettle an additional 750 Syrian refugees and had fully aligned its definition of trafficking with the one set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Organised Crime and Anti-corruption Legislation Bill had made amendments to the offence of trafficking, ensuring that it covered both transnational and domestic trafficking and making it possible for New Zealand to ratify the United Nations Convention against Corruption.

14. The Government had long recognized that, in some instances, the Crown had not honoured the principles of the Treaty of Waitangi. Historical Treaty grievances were settled under the internationally acclaimed Treaty settlement process. To date, 79 deeds of settlement had been signed under that process, and another 56 were expected to be signed. Her Government was proud to engage on a daily basis in the pursuit of equal citizenship and equal opportunity for all New Zealanders.

15. **Ms. Waterval** commended the State party for its admirable efforts towards human rights realization. She said that she wished to know the status of the Human Rights Amendment Bill, and asked the delegation to comment on the concerns raised by the Sub-Committee on Accreditation regarding the procedure for selecting members of the Human Rights Commission and the underfunding of the Commission. She asked what percentage

of the recommendations made by the Human Rights Commission were implemented by the Government.

16. She requested further information about specific measures taken to eliminate gender inequality in matters of employment. Lastly, she wished to know the outcome of the two new processes established by the Government in response to the decision issued by the Court of Appeal in the case of *Terranova Homes and Care Ltd. v. Service and Foodworkers Union Nga Ringa Tota Inc.*

17. **Mr. Iwasawa** expressed appreciation for the State party's willingness to be among the first countries to accept the new reporting procedure. Pointing out that the Committee's concerns were not restricted to those raised in the list of issues prior to reporting, he requested more information about the issues referred to in paragraph 6 of the State party's periodic report.

18. Noting that New Zealand maintained reservations to articles 10 (2) (b), 10 (3), 14 (6), 20, and 22 of the Covenant, he asked the State party to continue to review the need to maintain those reservations and to consider withdrawing any that were not absolutely necessary. Specifically with regard to articles 10 (2) (b) and 10 (3), he asked whether the State party had a plan to address the shortage of juvenile detention facilities in the country. As for article 14 (6), he said that the State party should explain why the guidelines for determining eligibility for ex gratia payments had not been enacted into law, as the guidelines currently could not be invoked as a legal basis for a compensation claim.

19. Noting that section 61 of the Human Rights Act 1993 prohibited advocacy of racial hatred and section 131 prohibited incitement to racial disharmony, he asked whether those provisions could be interpreted as providing protection against hatred not only for racial groups but also for religious groups and, if so, why the reservation to article 20 was necessary.

20. As the Covenant did not have the force of law in the State party, it was essential to ensure its full integration into domestic legislation, in particular through the New Zealand Bill of Rights Act. The right to privacy, which was guaranteed under article 17 of the Covenant, and some of the grounds for discrimination listed in article 26 of the Covenant were not reflected in the Act. Section 6 of the Bill of Rights Act required the courts to give preference to interpretations of laws that were consistent with its provisions. He wondered whether courts could refer to the Covenant and the Committee's Views and general comments in interpreting the Act and other laws. The Attorney-General was required under section 7 of the Act to inform the House of Representatives of any inconsistency of a bill with its provisions, but he or she was not empowered to prevent its enactment. As a result, many laws that were inconsistent with the rights enshrined in the Bill of Rights Act and the Covenant, such as the Criminal Investigations (Bodily Samples) Amendment Act 2009, had been enacted. The Attorney-General's reporting mechanism therefore seemed to be relatively ineffective.

21. The Committee also noted with concern that the Bill of Rights Act did not take precedence over other domestic laws. He asked whether the courts could declare that a law was inconsistent with the Human Rights Act or the Bill of Rights Act and, if so, which category of court could issue a declaration and with what impact. He also wished to know whether ministers were required to make such declarations before Parliament and, if so, what action the Parliament or Government was required to take. It would be interesting to learn how many laws had been amended as a result of such action. Furthermore, he asked whether the State party planned to act on the 2013 recommendation by the Constitutional Advisory Panel that the Government should explore the possibility of entrenching all or part of the Bill of Rights Act and of giving the judiciary powers to assess legislation for consistency with the Act.

22. He requested information on the measures taken by the State party to implement the Committee's Views on communication No. 1368/2005. He welcomed the action taken to reduce delays in Family Court proceedings, including the establishment of a mandatory out-of-court family dispute resolution mechanism. He enquired about the outcome of the post-implementation assessment that had been launched in late 2014.

23. **Mr. Shany**, while welcoming the adoption of a new national action plan for human rights, nevertheless expressed regret at the lack of a national action plan for human rights for the period 2010-2015 because of a perception that the first plan, for the period 2005-2010, had been unduly ambitious or not fully implemented. He enquired about the lessons learned from the first plan, for instance the most effective means of establishing goals to ensure their implementation. The State party should also comment on whether the lack of continuity between action plans was seen by the Government as a shortcoming. Commending the establishment of a website for the new action plan that permitted monitoring of compliance with recommendations by the Universal Periodic Review Working Group and treaty bodies, he asked whether there was a procedure for reconsidering the State party's position regarding the acceptance of recommendations that had been rejected in the past.

24. With regard to designations of groups or entities as terrorist groups based on Security Council resolutions, he asked whether the State party had reviewed the lack of a provision in the Terrorism Suppression Amendment Act 2007 permitting such designations to be challenged. He said that the Government had also admitted, in response to a 2008 report by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, that some provisions of the Act had proved unworkable in practice and should be amended. He asked whether action had been taken in that regard. While the Committee welcomed the fact that no classified security proceedings had been conducted under the Act, it remained concerned about the possibility, under section 38 of the Act, of conducting such proceedings and enquired about the safeguards currently in place.

25. He also requested information regarding passport and identity document cancellation proceedings under the Countering Terrorist Fighters Bill. He wished to know, for instance, whether classified information was relied upon in proceedings, whether special advocates were involved and what the practical implications were for a person whose identity document was cancelled.

26. Turning to the Government Communications Security Bureau and Related Legislation Amendment Bill, he stressed the importance of ensuring that safeguards were in place to protect privacy, that the measures taken were necessary and proportionate, and that provision was made for accountability and transparency. Concerns had been expressed regarding the expedited enactment of the Bill and of the Countering Terrorist Fighters Bill, both of which addressed sensitive and technically complicated issues. He requested confirmation that the Government had not yet formulated its position on the independent review of intelligence and security under the Intelligence and Security Committee Act 1996 conducted by Sir Michael Cullen and Dame Patsy Reddy.

27. The objectives of the Government Communications Security Bureau under the Bill were very general; moreover, the terms of section 15 concerning applications for interception and access authorization, and of section 4 concerning private communications, could be broadly interpreted. He asked how the section 4 test of a reasonable expectation of being intercepted was applied and whether adequate safeguards were in place. He also queried the compatibility with the Covenant of the distinction made in the Bill between New Zealand nationals and residents and non-nationals. He asked whether the State party considered that the requirement under section 8 (D) (1) (a) of the Bill that the Bureau should perform its functions in accordance with human rights standards recognized by New Zealand included international standards, such as those of the Covenant. He also wished to

know whether the oversight mechanisms, namely the Inspector General of Intelligence and Security, the Commissioner of Security Warrants, and the Intelligence and Security Committee, took international human rights into account when conducting oversight of the Government Communications Security Bureau. He was concerned about the splintering of oversight among a number of institutions and the limited role played by courts in that regard. He would appreciate information concerning intelligence sharing by the Bureau with foreign intelligence agencies, including the Five Eyes alliance.

28. Referring to the Committee's question, contained in paragraph 10 of the list of issues prior to reporting (CCPR/C/NZL/QPR/6), he asked the State party to provide more detailed information about the national security interests that the State could invoke in order to conduct surveillance activities under the Telecommunications (Interception Capability and Security) Act.

29. Noting that network operators were required under the Act to maintain "call associated data", or information about callers and receivers, he enquired about the scope of that obligation, for instance the length of time for which data must be retained, the safeguards in place to preserve the privacy rights of individuals, and the circumstances in which such data could be shared with other surveillance agencies. The State party should clarify why it was necessary for network operators to register with the police, and for operators that provided infrastructure-level services to disclose their clients' names, which could then be made available to the Security Intelligence Service and the Government Communications Security Bureau, and whether privacy safeguards were in place. He wished to know what types of legal proceedings involving special advocates were envisioned under the Telecommunications Act.

30. **Mr. Fathalla** said that the State party's reply to the Committee's question regarding measures to combat stereotypes and prejudices against ethnic and religious groups had failed to mention religious groups. He requested the delegation to provide the missing information.

31. According to the State party, government services for unemployed people, such as subsidies and job training, were generally prioritized for New Zealanders. He asked whether unemployed migrants were denied access to such services and more specifically to apprenticeships and training. The State party should provide information on any measures taken to prevent incitement to hatred on the Internet.

32. He requested additional information concerning measures to address inequalities faced by Maori and particularly Pacific Island peoples in the labour market. He also enquired about educational measures to promote equal rights in terms of employment opportunities, and requested detailed information concerning the regional initiatives mentioned in paragraph 110 of the report that focused on groups such as young Maori jobseekers.

33. **Mr. Seetulsingh** said that the Committee would appreciate information and statistics regarding the success of the State party's action to eliminate all forms of violence against women. The report indicated that there had been a marked decline in 2013, compared with 2011 and 2012, in the number of cases of male assault and spousal rape, and that a conviction rate of 67 per cent had been recorded. He requested comparable figures for 2014 and 2015, and disaggregated figures for gender-based violence, family violence and spousal rape. He asked whether disaggregated data were available for Maori women. It would be useful to learn how many family-violence-related deaths had occurred during the period from 2013 to 2015.

34. He wished to know whether any studies of the social motives for domestic violence had been undertaken with a view to tackling the root causes of the problem rather than relying on criminal prosecution as a deterrent. It had been reported that women aged

between 16 and 30 constituted 70 per cent of all victims. He asked whether the new data set on victims mentioned in the State party's report was operational. The report also stated that Maori and Pasifika communities identified their own solutions to domestic violence. He wished to know what cultural issues were involved. The State party should provide information regarding remedies provided to victims, such as shelters for battered women, court protection orders and psychological care for victims of family violence.

35. Referring to the case of the "Roast Busters", he said that the victims should have been provided with psychological care and encouraged to come forward and file complaints with a view to preventing the recurrence of such cases. He asked why a complaint filed with the police in 2011 had not been further investigated. Some suspects had reportedly admitted their responsibility for the heinous crimes and expressed regret; he asked whether they had been provided with psychological care. Lastly, he wished to know whether schools provided advice to young girls and encouraged them to report such crimes.

36. **Sir Nigel Rodley** said that he would welcome further clarification of the State party's decision not to withdraw its reservations to article 10 (2) (b) and 10 (3) of the Covenant despite its previous commitment to amend national regulations on detention during the Committee's consideration of its fifth periodic report.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

37. **Ms. Adams** (New Zealand) said that paragraph 6 of the report outlined the process of consultation undertaken by the Government with interested stakeholders and NGOs prior to reporting. Some NGO representatives had highlighted issues during the discussions that were not relevant to the Committee's list of issues and therefore were not included in the final report.

38. The Government remained committed to implementing the provisions of the Covenant and had introduced the Bill of Rights Act with a view to supplementing existing domestic human rights legislation. The courts and the Attorney-General must apply the provisions of the Act strictly, but could not strike down other pieces of legislation that they considered to be inconsistent with its provisions. They must instead refer the matter to Parliament which would take the final decision on whether to amend or repeal the legislation in question.

39. The human rights amendment bill had been put before Parliament in 2011 and had subsequently undergone a long process of public consultation. It was currently awaiting the third and final parliamentary reading and it was hoped that it would be adopted in the near future. The members of the Human Rights Commission, whose functions were due to be revised and strengthened under the bill, were appointed by the Government of the day. Any changes to the composition of the Commission were subject to close public scrutiny and the Government was held accountable for its selection of Commission members. No public dissatisfaction regarding the selection process had been voiced to date.

40. Despite having one of the lowest gender pay gaps in the world, the Government had redoubled its efforts and remained focused on obtaining gender parity. Following the Supreme Court's ruling on the *Terranova Homes and Care Ltd. v. Service and Foodworkers Union Nga Ringa Tota Inc.* case, it had launched a benchmarking process to compare employment conditions and salaries among different professions with the aim of achieving wage equity. However, additional public consultations would be required to achieve further progress. Numerous steps had also been taken to increase the representation of women in senior decision-making roles in the public and private sectors and there had been a significant increase in the number of women studying and working within tertiary education. However, women had not fared as well in other traditionally male-dominated professions, such as information technology and construction, and training programmes had been introduced to encourage women's entry into such professions.

41. The Government shared the Committee's concerns regarding the delays experienced in the Family Court, particularly in respect of communication No. 1368/2005, *E.B. v. New Zealand*, concerning the denial of access to children after prolonged parental access proceedings. It had undertaken reforms to streamline the work of the Court and improve the out-of-court family dispute resolution mechanism. Early results suggested that the reforms had produced the desired result and around 83 per cent of family cases had been settled out of court in recent years.

42. As to the "Roast Busters" case, the police force had conducted a multi-agency investigation into the incidents of sexual abuse and the Independent Police Conduct Authority had reviewed the police handling of the case. The victims had received specialist police support during the judicial process and had been granted access to the national reparations service. The case had revealed the existence of deep-seated beliefs surrounding the issues of violence against women and the concept of consent in the affected communities and had highlighted the need for local awareness-raising campaigns to combat peer pressure and victim shaming in future.

43. The Government had allocated some $NZ 1.4 billion per year towards the prevention and combat of domestic violence, including the establishment of an extensive shelter network for women and children, the strengthening of existing protection and police safety orders and the provision of legal aid and specialist counselling services to victims. Cases of domestic violence were the result of a variety of environmental and societal factors and substantial amounts of resources and time would be required to eradicate such behaviour entirely.

44. Regarding the provisions of the Government Communications Security Bureau and Related Legislation Amendment bill, the Government had decided to review the legislation in response to the Committee's concerns. The Telecommunications Act specified the type of information that service or network operators must supply when subject to a valid warrant or lawful authority, but did not provide national intelligence agencies with any powers to intercept information. The authority to intercept communications was set forth in other separate pieces of legislation. The definition of "national security" contained in the Telecommunications Act included a reference to the country's economic well-being. That reference extended to intellectual property and vital national information. New Zealand, like other countries around the world, faced constant cyber security threats and such legislation was required to manage attacks on national security. Every effort had been taken to ensure that data collected under the Telecommunications Act was proportional to the level of threat faced and was subject to independent oversight and monitoring. The intelligence agencies were also held accountable for their actions before Parliament and must publically report their findings on a regular basis.

45. **Mr. Reaich** (New Zealand) said that the criteria used by the Government in the designation of terrorist entities under the Terrorism Suppression Act were made public on the New Zealand Police website. Decisions on designation were ultimately made by the Prime Minister but could be judicially reviewed by the High Court. With regard to the reservations to the Covenant, New Zealand had a longstanding policy to bring domestic law into full compliance with its treaty obligations, but it would not commit to provisions if it knew that they would not be appropriate or feasible. The reservations were monitored with a view to them being narrowed or withdrawn when appropriate. Concerning the reservation to article 14, the Government was of the opinion that the existing process for compensating miscarriages of justice was satisfactory and that the system was highly transparent. There were guidelines for determining eligibility and the quantum of compensation and there was a degree of discretion for the Cabinet to take into account extraordinary circumstances that would justify an ex gratia payment. Of the 25 claims made since 1998, six had been successful. Regarding the reservation to article 20, propaganda for war or advocacy of

religious hatred was not explicitly prohibited by law, but criminal legislation did proscribe the incitement of hostility or ill will between different groups of people if it could endanger public safety. The Human Rights Act also prohibited the incitement of hostility on the grounds of colour, race or national or ethnic origin. At least 15 other developed countries had a very similar reservation to article 20. As for the reservation to article 22, the 1991 provision that employees could not engage in sympathy strikes had been maintained by successive governments. The jurisprudence of the Committee and the International Labour Organization in that regard was monitored, but there were currently no plans to change or withdraw that or the other reservations.

46. **Ms. Leota** (New Zealand) said that the requirement to separate prisoners under the age of 18 from the adult population was met in male prisons through the use of designated youth units. Male prisoners under the age of 18 might be mixed in with adult prisoners when they appeared in court or were apprehended by the police, but only for a very short period of time and subject to close supervision. Given the very small number of female prisoners under the age of 18 — probably less than five at any one time and potentially spread across the country — it was not feasible to have a separate youth unit in women's prisons, as the women in question would probably be housed on their own. Young female prisoners were thus mixed with adults who would pose little risk to them and were screened for vulnerability and monitored closely. As the level of youth crime was decreasing considerably, demand for young peoples' prison accommodation continued to drop.

47. **Mr. Luey** (New Zealand), referring to the constitutional principle of parliamentary sovereignty, said that, although the courts and Attorney-General provided advice, Parliament was the final arbiter of whether a piece of legislation unjustifiably breached a particular human right. The courts had established in jurisprudence that, under the law, they were able to interpret legislation consistently with the international obligations that the legislation had been designed to implement. The courts could interpret the human rights standards in the Government Communications Security Bureau to include compliance with international human rights obligations. In interpreting relevant legislation, the courts took account of the comments of the Committee and other relevant international bodies. Under the Human Rights Act, the Human Rights Review Tribunal and the courts had the legislative power to make declarations of inconsistency, in other words to declare that a piece of legislation was inconsistent with the right to freedom from discrimination. Three such declarations had been made; two of them had led to a change in law or processes that could lead to a change of policy. Although there were no legislated remedies under the Bill of Rights Act, the courts had established a range of remedies, including the right to public law compensation and a declaration of inconsistency.

48. **Mr. Crooke** (New Zealand) said that sections 61 and 131 of the Human Rights Act did not cover incitement to religious disharmony, but religion was a prohibited ground of discrimination under that Act. Section 131, a criminal provision, was not often invoked because the activities it covered were also covered by other criminal offences. Under the Sentencing Act, if an offence was committed partly or wholly because of hostility towards a group of persons, including on the grounds of race or religion, the court must consider that an aggravating circumstance.

49. **Mr. Stuart** (New Zealand) said that migrants made up approximately one third of the country's workforce and that figure was expected to grow. Migrants to New Zealand were generally well educated and had favourable labour market outcomes. The Government was focused on ensuring that migrant workers received fair and equal treatment in the labour market, that good settlement services were available to migrants and refugees, and that migrants were not exploited. Employers were obliged by law to provide protection against discrimination in employment. The New Zealand Migrant Settlement and Integration Strategy had been approved in 2014, with five outcome areas: employment,

education and training, learning English, inclusion, and health and well-being. The first phase of the Strategy had been completed and a review was now under way to determine whether the services and information provided to migrants were properly targeted. A migrant exploitation strategy had been adopted to support exploited employees, holding exploitative employers to account, and helping migrant workers and their employers understand their rights and obligations. The Immigration Amendment Act provided for prison sentences and heavy fines for employers who exploited temporary and illegal migrant workers and were reckless as to their immigration status. Exploitative employers who held a resident visa would be liable to deportation if the offence was committed within 10 years of gaining residency.

50. A number of strategies were in place to improve educational outcomes and labour market opportunities for Maori and Pasifika people. A workforce engagement programme was being implemented to stimulate jobs in areas with high levels of unemployment among Maori and Pasifika people. Efforts were being made to prepare Maori and Pasifika students for jobs when they left school, for example in Auckland Airport's 30-year construction programme or the city's road and infrastructure projects. Te Puni Kōkiri (the Ministry of Maori Development) had introduced a successful cadetship programme to stimulate the participation of Maori people in the workforce.

51. **Mr. Crooke** (New Zealand) said that the State party did not have any formal mechanism for considering the Committee's Views under the Optional Protocol but they were carefully reviewed by the Crown Law Office or relevant government agencies and appropriate responses were formulated. The independent review conducted following the conclusion of the first National Plan of Action for Human Rights had identified issues to consider when developing the next plan, such as establishing a framework for implementation and monitoring and selecting fewer priorities for action. The review process had resulted in a gap between the end of the first plan and the launch of the second, but had ultimately led to a better product.

52. **Mr. Luey** (New Zealand), referring to the question on the use of special advocates, said that the Government was currently reviewing a report by the Law Commission on the use of classified information in courts, which might give rise to changes in that area. With regard to the recent legislation on foreign terrorist fighters, given that a number of national identity documents could be used in New Zealand — a birth certificate, a driving licence or a passport — the cancellation of a passport did not mean that the person did not have any other way of proving their identity at the domestic level. The measure was aimed at stopping New Zealanders potentially wishing to participate in fighting overseas from travelling to those countries. The cancellation of the passport did not prevent the person from obtaining an emergency document from a New Zealand consulate allowing them to travel back home.

53. Regarding the concerns raised in relation to the Terrorism Suppression Act in the context of Operation Eight, in that case the Government had been examining whether a group of people had done enough to be viewed as preparing to commit a terrorist act. Based on the standards in that Act, the Solicitor-General had decided that there was insufficient evidence to proceed with the prosecution. Given the importance of the issue in terms of criminal law and civil liberties, the Government was erring on the side of caution and would not make any changes until it was sure it had found the right balance. Concerning the prevention of cyberbullying and incitement to racial hatred, the Government recognized that it was not simply a matter of enacting criminal legislation, such as the Harmful Digital Communications Act, and so preventive and awareness-raising efforts were being implemented by the Office of Ethnic Communities and the Ministry of Education.

54. **Mr. Fatialla** said that he would welcome information on the training provided to unemployed migrants.

55. **Ms. Cleveland** requested information on the number and outcome of any cases that had been brought for the offence of exploiting migrant workers. Referring to the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Act, she said that she wondered whether crew members on foreign-owned fishing vessels would be informed about the complaint mechanism and what remedies were available to them.

56. **Mr. Shany** asked whether, under the Telecommunications Act, network operators were required to be able to supply call-associated data such as the location, duration, maker and receiver of the call. He would welcome clarification of the implications of cancelling an individual's "certificate of identity".

57. **Mr. Iwasawa** said that it was not clear why no progress had been made since 2010 in relation to the State party's reservations to article 10, paragraphs 2 (b) and 3. He invited the delegation to comment on a recent Radio New Zealand report that the Family Court reform appeared to have failed.

The meeting rose at 6 p.m.